

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

DANA MANZA, individually and on
behalf of all other similarly situated,

Plaintiff,

Case No.: 24-CV-690-amb

v.

PESI, INC.,

Defendant.

JOINT MOTION TO STAY PENDING MEDIATION

Plaintiff Dana Manza (“Plaintiff”) and Defendant PESI, Inc., (“Defendant”) (collectively the “Parties”), respectfully move this Court for a stay of these proceedings pending the completion of the Parties’ upcoming mediation scheduled for August 14, 2025. In support of this motion, the Parties state as follows:

1. Plaintiff commenced this putative class action on October 3, 2024, alleging that Defendant violated the Video Privacy Protection Act 18 U.S.C. § 2710, *et seq.* (“VPPA”), in four ways: disclosures by customer list rentals, and disclosures by tracking pixel technologies such as the Meta Pixel, Google Analytics, and the Pinterest Pixel. *See* ECF No. 1. On December 6, 2024, Plaintiff amended her complaint to clarify certain allegations. *See* ECF No. 13.

2. On December 16, 2024, Defendant moved to dismiss Plaintiff’s amended complaint. *See* ECF Nos. 15-16. Defendant also filed a motion to stay all discovery in the case pending resolution of its motion to dismiss. *See* ECF Nos. 17-18.

3. On December 23, 2024, the Parties filed a joint planning report, wherein the Parties advised the Court that they diligently conferred and came to an agreement, subject to this Court’s

approval, that discovery between the parties be stayed with respect to class certification issues pending resolution of Defendant's motion to dismiss, but otherwise be permitted to proceed. *See* ECF No. 21. The Court adopted the Parties' proposal. *See* ECF No. 23.

4. The parties have conducted party and third-party discovery, but significant work remains in discovery. Plaintiff has subpoenaed several third parties and served written discovery requests to Defendant bearing on the named plaintiff's claim and information relevant to class certification. Plaintiff has met and conferred with Defendant regarding its responses to Plaintiff's discovery responses and Defendant's objections thereto, and those discussions remain ongoing.

5. On May 20, 2025, the Court issued an order denying Defendant's motion to dismiss. *See* ECF No. 38. The Parties recently met and conferred regarding Defendant's production of materials class certification-related materials responsive to Plaintiff's discovery requests, and those discussions remain ongoing.

6. Since approximately May 20, 2025, the Parties have been engaged in discussions to determine whether to schedule a formal mediation to explore potential resolutions to this matter. The Parties recently agreed to mediate this case with the Hon. James F. Holderman (Ret., formerly U.S. District Judge for the Northern District of Illinois) of JAMS on August 14, 2025 (the earliest date Judge Holderman had available). The parties have further agreed that it would be prudent to stay this matter until completion of the upcoming mediation to allow them to focus their efforts on attempting to resolve the case.

7. Accordingly, the Parties have agreed and respectfully request the Court to enter an Order as follows:

- a. Staying this action in its entirety until August 21, 2025, one week following the August 14, 2025 mediation, to afford the Parties time to explore the possible resolution of this case; and
 - b. Ordering the parties to jointly notify the Court of the outcome of the mediation within three (3) days of its completion and, if the mediation is unsuccessful, to propose a revised case schedule for the remainder of the case;
8. The Parties attest that this Motion is not being brought for any improper purpose or to cause undue delay but rather to allow the Parties time to explore good faith resolution of this matter.

Dated: June 30, 2025

Respectfully submitted,

HEDIN LLP

/s/ Frank S. Hedin
Frank S. Hedin
Elliot O. Jackson
1395 Brickell Ave., Suite 610
Miami, Florida 33131-3302
Telephone: (305) 357-2107
Facsimile: (305) 200-8801
Ejackson@hedinllp.com
fhedin@hedinllp.com

Attorneys for Plaintiff

HINSHAW & CULBERTSON, LLP

/s/ David Schultz (w/ permission from counsel)
David M. Schultz
IL Bar No.: 6197596
151 N. Franklin Street, Suite 2500
Chicago, IL 60606
312-704-3000
dschultz@hinshawlaw.com

Brett B. Larsen
State Bar No.: 1064355
Daniel J. Hollis
State Bar No.: 1128071
100 E. Wisconsin Avenue, Suite 2600
Milwaukee, WI 53202
414-276-6464
blarsen@hinshawlaw.com
dhollis@hinshawlaw.com

Attorneys for Defendant